Express Mail Label No. EV 057395257 US **Attorney Docket No. 50450-8033.US00**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13/K.T. 8/11

IN RE APPLICATION OF: Patrick L. Iversen	EXAMINER: J. Zara
SERIAL NO.: 09/754,468	ART UNIT: 1635
FILED: January 4, 2001	CONFIRMATION NO. 3548
FOR: **ANTISENSE ANTIBACTERIAL CELL DIVISION COMPOSITION AND METHOD**	

ELECT. B

Response to Requirement for Election of Species

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the requirement for restriction requested by the Examiner in the Office Action mailed June 24, 2002 in the above-identified application, the applicants elect to begin prosecution with claims directed to sequences targeting the *E. coli secA* protein. Claims 1, 6, 13, 17, 23, 30, 36, and 39-41 are limited to this species in the preliminary amendment filed herewith, and claims not readable on this species are cancelled without prejudice.

Applicants note that MPEP §2434 reads that "in most cases, up to 10 independent and distinct nucleotide sequences will be examined in a single application without restriction", not "one independent and distinct sequence" as stated in the Office Action. Nonetheless, applicants have elected a single target protein for initial examination. MPEP §2434 also states that "nucleotide sequences encoding the same protein are not considered to be independent and distinct and will continue to be examined together."

A petition for a one-month extension of time and authorization for the requisite fee of $55 are enclosed herewith.

No further fees are believed necessary with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein, or credit any overpayment, to Deposit Account No. 50-2207.

Respectfully submitted,

Date: 8-1-02

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IN RE APPLICATION OF:

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SERIAL NO.: 09/754,468

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FOR: **ANTISENSE ANTIBACTERIAL CELL DIVISION COMPOSITION AND METHOD**

EXAMINER: J. Zara

ART UNIT: 1635

CONFIRMATION NO. 3548

Preliminary Amendment

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above application, please amend the application as follows:

In the Claims:

Please replace claims 1, 6, 13, 17, 23, 30, 36, and 39-41 with the rewritten claims below, and cancel claims 2, 7-12, 15-16, 18, 24-29, and 32-33 without prejudice. Also enclosed, starting on a separate page following this response, is a marked copy of the presently amended claims showing all changes relative to the previous version.

SUB C1

1. (Amended) An antibacterial compound consisting of a substantially uncharged antisense oligomer containing from 10 to 40 nucleotide subunits, each of said subunits comprising a 5- or 6-membered ring supporting a base-pairing moiety effective to bind by Watson-Crick base pairing to a respective nucleotide base, said base-pairing moieties including a targeting nucleic acid sequence at least 10 nucleotides in length which is effective to hybridize to a target sequence, containing a translational start codon, within a bacterial nucleic acid which encodes an *E. coli secA* protein;

wherein adjacent subunits are joined by uncharged linkages selected from the group consisting of: uncharged phosphoramidate, phosphorodiamidate, carbonate, carbamate, amide, phosphotriester, alkyl phosphonate, siloxane, sulfone, sulfonamide, sulfamate, thioformacetyl,